



MINUTES OF THE BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES, STATE OF CALIFORNIA

Violet Varona-Lukens, Executive Officer
Clerk of the Board of Supervisors
383 Kenneth Hahn Hall of Administration
Los Angeles, California 90012

Director of Health Services

At its meeting held September 7, 2004, the Board took the following action:

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The following item was called up for consideration:

Director of Health Services' recommendation to approve the introduction of a revised ordinance relating to bathhouses and similar commercial establishments, to redefine bathhouses and similar commercial establishments as commercial sex venues; requiring each of the establishments to obtain a public health facility permit from the Health Officer as a condition of operation; and authorizing the Health Officer to initiate sanctions, including suspension or revocation of the permit, if venue fails to comply with the regulations; also send a letter to the Mayor and President of the City Council of the City of Los Angeles urging adoption of a similar ordinance.

Drs. Jonathan Fielding and John Schunhoff, Department of Health Services, Craig Vincent Jones, Executive Director of the Commission on HIV Health Services, Whitney Engeran, Commission on HIV Health Services, Karen Mall, Miki Jackson, Michael Garcia, Terri Ford, Stuart Altschuler, Victor Martinez, Dr. Etry Grand and Bradford Thomas Sparks, addressed the Board.

Supervisor Antonovich made the following statement:

"It is important that the Public Health Officer recognize the need for stronger direction and administration regarding the regulation of Commercial Sex Venues (CSVs). Los Angeles County is second only to New York City in U.S. metropolitan areas in the number of reported AIDS cases. Between July and December of 2003, the HIV Epidemiology Program reported 1,300 new cases and 260 HIV-related deaths in the County alone. The primary exposure group is by far, sexual transmission.

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“The Health Officer reports, *‘Increased drug use is associated with anonymous sexual encounters,’* and further, *‘Use of both legal and illegal drugs can release inhibitions about having unprotected sex with new acquaintances.’* Private rooms within CSVs allow and may foster combined unsafe sex practices and the use of illegal substances, because adequate enforcement of prohibited activities becomes impossible. In nearly all major metropolitan areas, such as New York City, San Francisco, and San Diego, bathhouses or private rooms within bathhouses are not permitted. Although, some of these regulations have not been effective, enforcement seemed to be the largest difficulty. Making the ordinance more clear, combats this problem.

“It is also important to make clear that the health threat we are combating is not isolated to the homosexual/bisexual community. It is directed towards mitigating the spread of HIV and sexually-transmitted diseases for all of those at risk. In that regard, it is essential that all sexual encounter establishments are subject to the rules of this ordinance, including heterosexually-oriented establishments as well. Therefore, it is necessary to better define the term ‘Commercial Sex Venues’, so the correct message is put forth; and interpretations of the ordinance is unquestionable. This is particularly imperative for the enforcement of this ordinance.

“Currently, Los Angeles City Municipal Code Section 12.70 defines ‘Sexual Encounter Establishments’ (SEEs) as the following: *An establishment, other than a hotel, motel or similar establishment offering public accommodations, which, for any form of consideration, provides a place where two or more persons may congregate, associate or consort in connection with ‘specified sexual activities’ or the exposure of ‘specified anatomical areas’.*

“Los Angeles City’s Department of Building and Safety currently have a list of thirteen, open and operating ‘Sexual Encounter Establishments’. Greater cooperation with the City of Los Angeles is essential, since all known CSVs at this time, reside within the City of Los Angeles. In addition, it is imperative that either the language is identical, or both CSVs and SEEs are referenced in the ordinance, so that the Health Officer can regulate all such establishments.

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“Currently, there are no measures in the CSV ordinance that requires background checks of those applying for CSV permits or subsequent reviews by related policing bodies, for recommendations to approve. Additionally, according to the current proposed ordinance, one does not need to provide previous addresses, criminal convictions, and/or aliases, etc. Assessments such as these are essential to ensuring the safety and welfare of CSV patrons, as well as the general public.

“Further, there are also no current measures in the regulations that require owners to ensure that CSV premises are clean and in sanitary conditions. There are no requirements for clean and laundered linens or showers to be provided at these establishments. These are simply minimal health standards that must be sustained at all times. These measures are the minimum standards necessary in ensuring the public’s health, safety and welfare.”

Therefore, Supervisor Antonovich made a motion, that the Board take the following actions:

1. Direct the Public Health Officer in collaboration with County Counsel, the Director of Consumer Affairs, and the Business License Commission, to review San Diego County’s Codes of Regulatory Ordinances as it relates to bathhouses, to determine if it is feasible to incorporate in the Los Angeles County Commercial Sex Venues (CSV) ordinance and/or regulations the following:
 - a. Application/Issuance Process for a Bathhouse Permit that includes a requirement for background checks for CSV owners and managers.
 - b. Requirements for Operations.
 - c. Prohibition of Locked Cubical Room/Booth, and Private Rooms.
 - d. Requirements and Regulation of Health and Sanitation Conditions.
 - e. Establishment of guidelines for the role of Community-Based Organizations to work in conjunction with the Department of Health Services in the Commercial Sex Venue regulations.

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2. Direct the Public Health Officer in collaboration with County Counsel to report back in two weeks on recommendations to either include Sexual Encounter Establishments in the CSV ordinance, or create a new ordinance in that regard.

After further discussion, on motion of Supervisor Yaroslavsky, seconded by Supervisor Molina, unanimously carried, the Board approved the Director of Health Services' attached recommendations relating to the approval of an ordinance relating to bathhouses and similar commercial establishments, as amended to:

1. Include, as part of the regulations, requirements relating to the regulation of health and sanitation conditions; and
2. Direct the Director of Public Health to report back to the Board within 60 days with a plan outlining the actions necessary to protect the public health, which the Department may unilaterally implement, in the event that the City of Los Angeles does not adopt the ordinance; and, report back on Supervisor Antonovich's following recommendations to:
 - a. Direct the Public Health Officer in collaboration with County Counsel, the Director of Consumer Affairs, and the Business License Commission, to review San Diego County's Codes of Regulatory Ordinances as it relates to bathhouses, to determine if it is feasible to incorporate various requirements in the Los Angeles County Commercial Sex Venues (CSV) ordinance and/or regulations; and

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- b. Direct the Public Health Officer in collaboration with County Counsel to report back on recommendations to either include Sexual Encounter Establishments in the CSV ordinance, or create a new ordinance in that regard.

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Attachment

Copies distributed:

- Each Supervisor
- Chief Administrative Officer
- County Counsel
- Director of Consumer Affairs
- Director of Public Health, Department of Health Services
- President, Business License Commission

(ALSO SEE NO. 81 THIS DATE)